

Application Serial No. 10/050,373
Response to November 1, 2006 Office Action

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MI22-1896

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Remarks

Claim 11 has been amended and claims 12 and 13 have been cancelled leaving claims 11, 14-19, and 48-50 pending in the application.

Previously pending claims 11-19 and 48-50 stood rejected under 35 U.S.C. § 102(e) as being anticipated by Moore (U.S. Patent No. 6,649,543 B1).

Applicant requests the Examiner reconsider this anticipation rejection in view of the amendments to the claims. The amended claims are anticipated "only if each and every element as set forth in the claims are found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For at least the reason that Moore does not show the complete detail of what is recited in the claims, the amended claims are allowable.

For example, claim 11 has been amended to recite that the nitrogen-enriched region is formed only in the upper third of the silicon-oxide-containing layer by the exposing and remains confined to the upper third of the silicon-oxide-containing layer during the annealing. Moore does not show this level of detail (see, e.g., Col. 5, lines 15-30). For at least these reasons, claim 11 is allowable.

Claims 14-19 and 48-50 are allowable for at least the reasons given above regarding claim 11.

Claims 11, 14-19, and 48-50 are pending and in condition for allowance.

Applicant requests allowance of claims 11, 14-19, and 48-50 in the Examiners next

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office action. The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at (509) 624 4276 on Monday-Friday between 8:00 a.m. – 5:00 p.m. (PST).

Respectfully submitted,

Dated: 2/1/07By: 

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